

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

TAIT AND JENNIFER IVERSON

Plaintiffs

vs.

**WILBUR COLOM, DELTA HILLS
HOUSING DEVELOPMENT, LLC,
HILBERT WILLIAMS, HILBERT
WILLIAMS d/b/a CRYE-LEIKE
PROPERTIES, UNLIMITED, KIM
DAVIS, BANCORPSOUTH BANK,
AND JOHN DOES 1-5**

Defendants

Case No. 1:09CV221

**AGREED ORDER
AS TO LIENHOLDER DEFENDANT, BANCORPSOUTH BANK**

THIS DAY, this cause came on for consideration by the Court of the involvement in this matter of Defendant, BancorpSouth Bank, the lienholder on the subject property in this action, and the parties' agreement as to said bank's involvement. In that Plaintiffs seek no affirmative relief against BancorpSouth, and Plaintiffs have affirmed to BancorpSouth that they will continue to service the underlying loan secured by the bank's deed of trust, with any and all BancorpSouth deed of trust rights being reserved and preserved, the parties mutually agree that BancorpSouth need not actively participate in this cause by virtue of discovery, hearings, motions, and/or other matters on the merits, including any arbitration proceedings (if subsequently compelled, same currently being a contested matter between other parties).

IT IS THEREFORE ORDERED AND ADJUDGED that BancorpSouth Bank, while remaining a party to this proceeding, is excused from active participation in discovery, hearings, motions, and matters on the merits. Any final judgment or settlement of this matter shall recognize

the deed of trust lien rights of BancorpSouth, and any and all such resolutions of such matters, if Plaintiff is successful with the rescission claim, or that otherwise addresses the subject deed of trust, Plaintiffs will address in full the loan indebtedness at BancorpSouth with BancorpSouth's deed of trust rights reserved and preserved.

SO ORDERED AND ADJUDGED, this the 5th day of October, 2009.

/s/ MICHAEL P. MILLS
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

**APPROVED AS TO
CONTENT AND FORM:**

/s/ Pat Caldwell
J. PATRICK CALDWELL, MSB #4908
RILEY, CALDWELL, CORK & ALVIS, P.A.
Post Office Box 1836
207 Court Street
Tupelo, Mississippi 38802-1836
Telephone: (662) 842-8945
Facsimile: (662) 842-9032
Email: caldwell@tsixroads.com
ATTORNEY FOR DEFENDANT,
BANCORPSOUTH BANK

/s/ James Mozingo
JAMES R. MOZINGO, MSB #3638
KNIGHT MOZINGO & QUARLES, PLLC
601 Renaissance Way, Suite B
Post Office Box 4587
Jackson, Mississippi 39296-4587
Telephone: (601) 956-5771
Facsimile: (601) 956-5758
Email: jmozingo@kmqlaw.com
ATTORNEY FOR PLAINTIFFS
TAIT AND JENNIFER IVERSON